

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-10897

JOSIAH COLON,
BRANDON KLING,
ERIC MELE,
WILLIAM MARTIN,
2ND AMENDMENT ARMORY,
a Florida profit corporation,

Plaintiffs-Appellees,

versus

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES,
DIRECTOR, BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES,
UNITED STATES DEPARTMENT OF JUSTICE,
U.S. ATTORNEY GENERAL,

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Order of the Court

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Defendants-Appellants.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:23-cv-00223-MSS-NHA

ORDER:

The Court *sua sponte* orders that this case be HELD IN ABEYANCE pending the Fifth Circuit's decision in *Mock v. Garland*, No. 24-1073 (5th Cir. filed Aug. 15, 2024), in which the Fifth Circuit is set to review the U.S. District Court for the Northern District of Texas's vacatur of the rule under review in the instant appeal.¹ The clerk is DIRECTED to remove this case from the oral argument calendar. The parties are ORDERED to notify the Court of the Fifth Circuit's decision in *Mock* within three days of that decision, at which time the Court—if necessary—will reschedule this case for oral argument.

¹ In *Trump v. CASA, Inc.*, —U.S.—, 2025 WL 1773631, at *8 n.10 (U.S. June 27, 2025), the Supreme Court stated: “Nothing we say today [about universal injunctions under the Judiciary Act] resolves the distinct question whether the Administrative Procedure Act authorizes federal courts to vacate federal agency action.”

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DAVID J. SMITH
Clerk of the United States Court of
Appeals for the Eleventh Circuit

ENTERED FOR THE COURT - BY DIRECTION